

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
BRUNSWICK DIVISION**

|                          |   |                      |
|--------------------------|---|----------------------|
| UNITED STATES OF AMERICA | : |                      |
|                          | : |                      |
| v.                       | : | CASE NO.: 2-14-cr-12 |
|                          | : |                      |
| ADALBERTO SALAZAR        | : |                      |

**ORDER**

On December 18, 2015, Defendant Salazar was scheduled for an Arraignment on the Second Superseding Indictment. At that hearing, the defendant requested that the Court appoint new counsel to represent him. Before proceeding with Arraignment, the Court conducted a hearing on this matter.

Although the Sixth Amendment to the United States Constitution guarantees Defendant Salazar the right to counsel, it does not guarantee him the unqualified right to the appointed counsel of his choice. United States v. Garey, 540 F.3d 1253, 1263 (11th Cir.2008). Accordingly, Defendant Salazar does not have the right “to demand a different appointed lawyer except for good cause.” Id. (quoting, Thomas v. Wainwright, 767 F.2d 738, 742 (11th Cir.1985)). Good cause for substitution of counsel exists where there is “a fundamental problem, ‘such as a conflict of interest, a complete breakdown in communication or an irreconcilable conflict which leads to an apparently unjust verdict.’” Id. (quoting, United States v. Young, 482 F.2d 993, 995 (5th Cir.1973)). Furthermore, because good cause for substitution of counsel cannot be based solely on a defendant’s perception, Defendant Salazar’s general loss of confidence or trust in Mr. Perry, standing alone, is not sufficient to warrant substitution. Thomas, 767 F.2d at 742.

After hearing from Mr. Perry and Defendant Salazar, it appears that there is such a breakdown in communication that substitution of counsel is in the best interest of justice. The Court notes that it appears that Mr. Perry has provided effective representation to Defendant Salazar, and the Court is not substituting counsel because of any deficiency in counsel's performance. However, due to the breakdown in communication, Defendant Salazar's Request to appoint new counsel is **GRANTED**. Attorney Jimmy Smith is appointed to represent Adalberto Salazar in this case.

**SO ORDERED** this 18<sup>th</sup> day of December, 2015.

A handwritten signature in blue ink, appearing to read "R. Stan Baker", is written over a horizontal line.

R. STAN BAKER  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA